

**RANDI YUELLS, VICE PRESIDENT FOR PROGRAMS,
ADDRESSES ABA ON WOMEN IN LEGAL SERVICES**

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It is a pleasure for me to join you today and to speak about an issue that means a great deal to me, the status of women in the legal profession. Thank you for holding these hearings, for gathering and disseminating such important and useful information and for your commitment to the improving the status of women in our society. I want to talk today about the situation facing many women who have elected to spend all or a portion of their careers in legal services programs. I also will touch on the challenges facing women who serve on the boards of the programs funded by the Legal Services Corporation. Finally, I will offer you some suggestions for what you can do to improve the working lives of the thousands of women who work in legal services programs across this great country and to enhance the quality and quantity of the services we provide to our clients

Background

The Legal Services Corporation is a private, non-profit corporation established in the District of Columbia by the Legal Services Corporation Act of 1974, as amended (the “LSC Act”),^[1] to provide financial support for legal assistance in civil proceedings to persons unable to afford legal services. LSC is governed by an eleven-member bipartisan Board of Directors appointed by the President of the United States with the advice and consent of the Senate. The Board appoints LSC’s President, who serves as the Corporation’s chief executive officer, subject to general policies established by the Board.

LSC provides funding to legal services programs serving indigent persons in all 50 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam and

Micronesia.^[2] To carry out the purposes of the LSC Act, LSC annually receives a federal appropriation.

LSC's annual appropriations do not keep pace with increases in the number of eligible clients and the demand for legal services. Accordingly, LSC continually seeks ways to improve the services its grantees provide and to ensure effective and efficient service to clients. In this context, the LSC Board of Directors adopted a Strategic Plan in 2000 to guide the Corporation's activities over the first five years of the new century. Prime among the plan's goals was to dramatically increase the provision of legal services to eligible persons and to ensure that these services are appropriate and of the highest quality. In line with this Board mandate, LSC began to increase its emphasis on diversity and in 2001 we launched a year-long conversation on diversity

During our 2001 diversity conversations, we sought to be inclusive in the scope of these conversations while remaining mindful of the various points of view from which diversity issues were observed. Conversations were held with various members of the legal services community—young professionals, clients and client board members, leaders and emerging leaders, and women. Diversity was broadly defined – we wanted to learn about the experiences of everyone associated with legal services—including people of color, seniors, gays and lesbians, women, and people with disabilities.^[3] Two of our conversations, were specifically devoted to women's concerns. These conversations were facilitated by former Commission on Women in the Profession member Judy Perry Martinez.

Highlights

LSC is strongly committed to racial, ethnic and gender diversity in the legal services community. LSC regulations require programs to take affirmative action to ensure equal employment opportunity. Section 1616.3 expressly allows a program to consider, in addition to education and prior experience, an attorney's "ability to communicate with persons in the client community," and a job applicant's "cultural

similarity with the client community.” In evaluating funding proposals, LSC considers programs’ strategies for recruiting and retaining a diverse and high quality staff.

The number of legal services women and lawyers of color—in comparison to their numbers in the legal profession as a whole—shows that we are a very diverse group. In 1995, ABA statistics revealed that of the 857,931 lawyers in the US, only 23.6 percent were women.^[4] More recently, this Commission reported that 41 percent of law firm associates are women.^[5] LSC programs are well ahead of the private sector curve. In 1996, 55 percent of the attorneys on our programs’ staffs were female. In 2000, that number rose to 59 percent and to 60 percent the following year.^[6]

Challenges

Despite our growing numbers, women attorneys in legal services find themselves crashing into a glass ceiling with unfortunate regularity. Participation by women in the ranks of leadership within our programs does not comport with their dominance in the staff attorney arena. The high numbers of women attorneys in legal services are belied by their representation in leadership ranks. For example, in 1996, 32 percent of the executive directors were female, rising to 34 percent in 2000. Unfortunately, that number dropped to 25 percent in 2001 even as the number of women attorneys entering legal services more than doubled.

These figures give a blunt picture made vivid by the anecdotes and opinions aired during our year of dialogue. At the first national conversation on gender and justice held in conjunction with the ABA/NLADA Equal Justice 2001 Conference, women described their frustrations in trying to become leaders. Almost to a person, they noted a lack of shared leadership and shared power opportunities within their respective programs. They described a situation wherein LSC grantee Boards of Directors generally fail to seriously consider women applicants for executive director positions. Women fortunate to have been hired as Executive Directors said that they had to be twice as good and work four times as hard to persuade their Boards that they were effective managers.

These women in leadership positions also talked about their isolation, which they attributed, in part, to their relatively small numbers, the lack of critical mass to form support groups, and the lack of resources available to support and train women directors.

A second conversation focused on women occurred in July 2001. While the first involved primarily women who had made their careers in legal services programs, women who participated in the second conversation were primarily younger women lawyers just starting their legal service careers. However, their experiences reflected the same barriers and systemic failures as were described by older, more experienced female attorneys in the earlier conversation. Most interesting—at least to me—was the fact that these younger women felt that the lack of a formal mentoring system in their individual programs was the single greatest impediment to becoming a leader. This opinion has national support. A recent public radio report on *Marketplace* highlights the overwhelming importance of women role models and mentors of either sex in a professional women's ability to exercise leadership.^[7] Studies have shown that women role models in leadership positions are the best indicators that women are accepted in the particular profession. Mentors are essential for sharing inside knowledge and strategies for success with the next generation. Employers who deny their female employees mentors perpetuate a value system in which women do not become leaders.

Since 2001, LSC has continued its focus on diversity, inclusion, and multicultural competency. Over the last year, for example, women within legal services—some of them long-term legal services advocates and many new to our community—have brought concerns about gender issues to me. Their concerns include:

- the importance of encouraging and helping women to become program directors;
- the serious leadership issues facing women in legal services programs—including training, salary parity, Board support and/or the lack thereof, and the needs of our

new and relatively young female leaders who often feel left out of the legal services "mainstream;"

- the emerging needs of our female clients (a very high percentage of our total clientele) and how best to meet those needs;
- the perception that issues central to the lives of our women clients—domestic violence, divorce, and custody—are considered to be less important than other substantive law issues;
- the realization that even though the number of women in staff positions in legal services programs rises, the percentage of those who are executive directors is stagnant or declining; and
- the overwhelming *double-whammy* experienced by women of color who must transcend issues of gender while also facing and overcoming racial and ethnic bias.

Remedial Steps

The information that LSC collected over the last several years called for a strong response. Armed with knowledge and energized by the clear need for additional work, we developed our Action Agenda in April 2002. It commits us to 13 steps that we believe will ameliorate the inequality that appears to exist in the workplace at many grantee organizations and provide tools and other resources for programs and staff who are anxious to address this situation. I would like to take a moment to describe some of those efforts.

On the premise that program boards must model appropriate behavior for the entities they guide, we spent almost six months creating a training guide for program boards. This training module is designed to help Board of Directors become educated about the often very subtle ways in which discrimination is articulated. Since Boards of

Directors select Executive Directors and since Executive Directors set the tone for a legal service program, we felt that it was important to begin to address equality and inclusion at the board level by making Boards aware of the many issues surrounding diversity, inclusion and multi-cultural competence. Several months ago, we took another step in our efforts to make our grantee programs a nurturing environment for everyone—including women—by training a cadre of skilled facilitators who can travel throughout the country using the training module to train our grantee Boards.

On a formal and regular basis, we now ask programs to tell us about their mentoring systems, innovative approaches to leadership and opportunities for management sharing and other options that expand power beyond the traditional confines of executive and deputy director slots. LSC staff members affirmatively engage in discussions with grantee staff on the many issues related to diversity and inclusion during site visits and when they are out and about publicly.

We have made available to our grantees the results of all of our diversity work over the past two years. Reports of each national and regional conversation are posted on the LSC website. We have published the results of our statistical analyses, and we have issued a national challenge for improvement. I personally include issues of diversity, inclusion and multi-cultural competency in all of my speeches and public presentations.

LSC also has created a Leadership and Diversity Advisory Committee to guide our work to implement the Action Agenda. It includes a diverse group of men and women from our grantees, of course, but also involves individuals who represent bar associations, clients, and non-LSC funded providers of civil legal services to poor clients. We continue to focus our attention on the real and troubling concerns of individuals and groups who have traditionally been left out of leadership in our programs and in our profession.

Recognizing that economics is central not only to the lives of our clients but to many of our attorneys, and in particular women and lawyers of color, LSC has partnered

with the ABA in an effort to create a national loan forgiveness initiative for legal services lawyers. Legal services salaries—especially for lawyers—are infamously low. Young lawyers who would have liked to join a legal services program must often take jobs in the private sector so that they can pay their law school debt. Women who suddenly find that they are the sole support for their children through a divorce or a death must often leave their legal services job for a higher paying opportunity.

Unfortunately, LSC cannot move as quickly and efficiently on these initiatives as we would like on any front, in large part because there is no special funding stream to support these efforts. Instead, we rely on the incredible strength and wisdom of the many women who have elected to join legal services and the willingness of some men and women to work to promote a gender-blind legal services community.

How can this Commission and women lawyers within the private bar help us in these efforts? I can think of several ways.

- You can solidly support efforts to create a national loan forgiveness program, but, while we wait for that to happen, you can also return to your home communities and advocate that your bar association and your legal services program work together—and locally—to meet this need;
- You can reach out to the younger women working in your *home state* legal service programs—offering them friendship, mentorship and professional support;
- You can seek appointment to your legal services Boards of Directors back home and then use your position to: (a) insist that programs begin to develop strategies to make leadership positions available to and attainable for women and women of color; (b) ensure that programs offer appropriate incentives for women to make their careers in legal services (such as equal pay; flexible hours; and policies that recognize that women are often the

primary caregivers of their children and their elder parents); and (c) ensure that legal services programs work to develop priorities and strategies that promote the health and welfare of low-income women;

- You can continue your role as a powerful voice in the fight to eliminate violence against women. Those of us in legal services too well understand—as do many of you—that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position and the legal system's tolerance of violence against women is a key issue in women's legal subordination.
- You can volunteer your time through organized pro bono efforts to ensure that the many female clients who need an attorney get an attorney; and last, but certainly not least
- This Commission can continue to be a public voice in support of all of the issues facing all of the women in the profession—women from culturally and linguistically diverse backgrounds, women with disabilities, senior women, younger women, women in small firms, women in large firms, women in legal services, non-practicing women raising their children, women from densely populated urban areas, and women from rural and remote communities. We are a diverse group of people with different issues, concerns, needs, and aspirations. But we are united in the fact that we are all women struggling to make the practice of law our own.

^[1] 42 U.S.C. §§ 2996-2996l.

^[2] Beginning in 2004, LSC will fund a legal services program in American Samoa

^[3] “The ultimate goal of diversity is ...to expand the circle of inclusion. Diversity values a broad range of people so that no one is left out; it makes connections between various aspects of our individuality. Affinities are recognized on gender lines, along race and ethnicity patterns; there is an acceptance of how they link us as well as make us unique.” LSC Report on Gender and Diversity Conversation, July 25 2001, Berkeley, California

^[4] Clara N. Carson, *The Lawyer Statistical Report: The US Legal Profession in 1995* (ABA Bar Foundation 1999)

^[5] A Snapshot of Women in the Law Year 2000, (ABA Commission on Women in the Profession) at www.abanet.org/women/articles.html

^[6] LSC staff statistics prior to 1996 have not been tabulated nor have they been reported for 2002.

^[7] Ashley Milne-Tyte on a recent Catalyst Foundation report on role models and mentoring in corporate America and Frances Cairncross on a study of competition by the University of Chicago. Marketplace (public radio) "Morning Report," July 8, 2003, available at www.marketplace.org.